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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERNANDO TAPIA-MORALES,

Defendant.

CASE NO.: 2:22-mj-00026-DJA

ORDER TO CONTINUE TRIAL

(Fourth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between IMANI DIXON, ESQ., Assistant United States Attorney, counsel for the United States of America, and ERICK M. FERRAN, ESQ., counsel for Defendant FERNANDO TAPIA-MORALES, that the Trial date in the above-captioned matter, currently set for March 8th 2023, at 9:00 a.m., be continued for thirty (30) days or to a time convenient to this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties have reached a settlement agreement pursuant to the Defendant's Guilty Plea Agreement. Counsel for the Defendant needs additional time to review the plea with Defendant and obtain signature.
2. Defense Counsel has a scheduling conflict for the current setting.
3. Defense Counsel and Assistant United States attorney are currently in negotiations;

4. Defendant Tapia-Morales is not in custody and does not object to the continuance.
5. All parties involved agree to the continuance.
6. This is the fourth request for a continuance of trial.
7. Denial of this request for continuance would result in a miscarriage of justice.
8. Defense Counsel requests a thirty (30) day continuance for entry of the plea.
9. This request for a continuance is made in good faith and is not intended to delay the proceedings in this matter.
10. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
11. For all the above-stated reasons, the ends of justice would be best served by a continuance of the trial date.

DATED this 7th day of March 2023.

/s/ Erick M. Ferran, Esq.
ERICK M. FERRAN, ESQ.
Counsel for Defendant

/s/ IMANI DIXON, ESQ.
IMANI DIXON, ESQ.
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 UNITED STATES OF AMERICA,

6 Plaintiff,

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8 FERNANDO TAPIA-MORALES,

9
10 Defendant.

CASE NO.: 2:22-mj-00026-DJA

ORDER TO CONTINUE TRIAL

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12 **FINDINGS OF FACT**

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14 Based on the pending Stipulations of the parties, and good cause appearing therefore, the
15 Court finds that:

- 16 1. The parties have reached a settlement agreement pursuant to the Defendant's Guilty
17 Plea Agreement. Counsel for the Defendant needs additional time to review the plea
18 with Defendant and obtain signature.
19
20 2. Defense Counsel has a scheduling conflict during the current setting.
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22 3. Defendant TAPIA-MORALES is not in custody and does not object to the continuance;
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24 4. All parties involved agree to the continuance;
25
26 5. This is the fourth request for a continuance filed herein;
27
28 6. Denial of this request for continuance would result in a miscarriage of justice.
7. This request for a continuance is made in good faith and is not intended to delay the
proceedings in this matter.

- 1 8. Defense counsel requests only a thirty (30) day continuance to enter the plea agreement.
- 2 9. The additional time requested by this stipulation is excludable in computing the time
- 3 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
- 4 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§
- 5 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
- 6

7 **CONCLUSIONS OF LAW**

- 8 1. The ends of justice served by granting said continuance outweigh the best interest of
- 9 the public and the defendant in a speedy trial, since the failure to grant said continuance
- 10 would be likely to result in a miscarriage of justice, would deny the parties herein
- 11 sufficient time and the opportunity within which to be able to effectively and
- 12 thoroughly prepare for trial, taking into account the exercise of due diligence.
- 13
- 14 2. This request for a continuance is made in good faith and is not intended to delay the
- 15 proceedings in this matter.
- 16
- 17 3. The additional time requested by this stipulation is excludable in computing the time
- 18 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
- 19 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§
- 20 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
- 21
- 22 4. For all the above-stated reasons, the ends of justice would be best served by a
- 23 continuance of the trial date.

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ORDER

IT IS ORDERED that the trial scheduled for March 8, 2023, at 9:00 a.m., be continued.

IT IS FURTHER ORDERED that the Trial in this matter be scheduled for
May 17, 2023, at 9:00 a.m., Courtroom 3A.

DATED this 7th day of March, 2023.



DANIEL J. ALBREGTS

United States Magistrate Judge